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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,153	10/31/2003	Haw-Hui Chu	BHT-3117-162	9096

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EXAMINER

SELF, SHELLEY M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,153	CHU, HAW-HUI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shelley Self	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-10 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-6 and 8 is/are rejected.
- 7) Claim(s) 2,7,9 and 10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *motor* (clm. 1) and the *wind-exhausting vent* (clm. 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Further, the wind-exhausting vent (clm. 4) is not described within the description.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 36.

Corrected drawing sheets and/or an amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be

Art Unit: 3725

notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

Claim 6 is objected to because of the following informalities: “an axially insert slot” is grammatically incorrect, Examiner suggests, *—an axial insert slot--*. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 3, 5, 6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 6, it is not clear as to which element(s) is provided with an axial insert slot and threaded hole. For example, it is unclear as to whether it is the knife shaft or belt pulley that has an axial insert slot. Further it is unclear what “its” refers to, i.e., does “its” (line 4) refer to the knife shaft or belt pulley? Clarification is required.

The following lack proper antecedent bases:

“said wind exhausting shade” (clm. 3, lines 2, 6; clm. 5, lines 3, 4; clm, 8, line 3)

“said vent hole” (clm. 3, lines 4, 8; clm. 5, line 3)

“said wind guiding plate” (clm. 3, line 9)

“said set of the wheel-shaped blades” (clm. 4, line 15)

Art Unit: 3725

“said lower cover” (clm. 5, line 2)

“said wind inlet” (clm. 5, line 3)

Due to the antecedent basis concerns of claims 3, 5 and 8 a clear understanding of the mechanical interrelationships between the elements of the claimed invention could not be obtained. For example, claim 3 is dependent upon claim 1 and refers to “*said wind exhausting shade*”, however the parent claim 1 provides no antecedent basis for a wind exhausting shade. Claim 3 appears to be dependent upon claim 2. Likewise claims 5 and 8 present similar problems. Clarification is required.

No art has been applied to claims 5, 6, and 8; clarification is needed to allow for a clear understanding of the claims and proper applicability of the prior art.

Failure to provide proper antecedent basis and clearly relate interrelationships between elements renders the claims indefinite and vague. All of the claims should be reviewed for clarity, definiteness and antecedent basis concerns.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 and claims 3 and 4 as best as can be understood are rejected under 35 U.S.C. 102(a) as being anticipated by Liao et al. (6,481,475). With regard to claim 1, Liao discloses a wood waste-removing device for a planer (fig. 6) comprising a planning table (fig. 2)

Art Unit: 3725

provided thereon with a knife shaft (35), said knife shaft having one end fixed with a belt pulley (91,92), said belt pulley driven to be rotated by a motor (34); and characterized by, a blower (60) installed above (fig. 3) said knife shaft (35) of said planning table; a transmitting cable (93) having its opposite ends respectively connected to said blower (60) and one of the said knife shaft (35; fig. 3), said blower actuated to operate by said knife shaft through said transmitting cable, said blower and said knife shaft driven to be operated by the same said motor (col. 4, lines 48-60).

Examiner notes that the transmitting cable is connected to knife shaft (35) via the pulley (91) and connected to the blower mechanism (60) via the pulley (92), thus resulting in one motor driving both the knife shaft (35) and the blower mechanism (60).

With regard to claim 3, as best as can be understood, Liao discloses a wind exhausting shade (fig. 5) has its inner upper side provided with a curved wind guiding plate projecting vertically to surround part of the outer edge of a vent hole (44), said wind guiding plate having its opposite ends obliquely extending at a preset angle to the opposite sides of said wind exhausting shade so that wood dust at the opposite sides can be sucked to said vent hole along said wind guiding plate (fig. 5, 7 ).

With regard to claim 4, as best as can be understood, Liao discloses a wood waste-removing device for planer wherein said blower (60) comprises a wheel shaped blade (fig. 6), an upper and lower cover (63, 64) and a rotary shaft (70), said upper and lower cover correspondingly combined together to form an accommodating space (65) in the interior and a wind exhausting vent (fig. 6) at one side, said lower cover bored with a wind inlet at the bottom (fig. 6), said upper cover provided with a shaft (72) tube extending upward from its topside and

Art Unit: 3725

having outer threads (92), around the outer edge, said wheel shaped blade (80) received in said accommodating space (65) of said two covers and bored with a central shaft hole (fig. 6), said rotary shaft (70) having an upper end bored with an insert slot (711), said rotary shaft inserted through said shaft hole (fig. 6) of the wheel shaped blade (80) and fixed therein, said rotary shaft positioned in said insert hole of said upper cover by at least one bearing (641), said blade able to be positioned in said accommodating space (65) of said two covers and actuated to rotate by said rotary shaft.

As to the threads, Examiner notes that the shaft (72), extends through the plate (63), the pulley (92) being attached to the shaft (72), the pulley having a grooved rim (i.e., threads defined as a surface having grooves for threading a matting element between the grooves) for attachment of the belt (93).

#### ***Allowable Subject Matter***

Claims 2, 7, 9 and 10 are objected to as being dependent upon a rejected base claim.

The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record does not disclose or fairly suggest a *wind exhausting shade assembly having its topside bored with a vent hole* as set forth in claim 2.

Additionally, the prior art of record does not disclose or fairly suggest the transmitting cable comprising a transmitting tube and a steel cable as set forth in claims 7, 9 and 10.

The prior art, Liao disclose a planar device having wood waste removing device wherein the removing device is actuated by the same motor that powers the cutting shaft (35). Liao disclose that the power from the motor and motor housing (34) is transmitted to the cutting shaft

Art Unit: 3725

(35) and the waste removing device (60) via a belt (93) and pulley construction, such that drive pulleys (90, 91, 92) are associated with the cutting shaft (35) and the waste removing device (60) so as to power the removing device (60) while simultaneously powering the cutting shaft (35). Liao discloses that the construction allows for less mass and parts with only one motor to power both elements. Further Liao discloses a wind exhausting shade (fig. 5) having a channel for passing air and debris (fig. 7) for disposal of chips via the blower (60) mechanism. Liao discloses the exhausting shade to have a side shaped to communicate with the inlet port (631) of the blower mechanism (60) to allow disposal of wood shavings. Liao however does not disclose a wind exhausting shade having a topside with a bored vent hole, transmitting tube or steel cable. Accordingly Liao fails to anticipate or render obvious the claimed invention.

Neither the references of record, nor any combination thereof discloses the claimed invention as set forth in claims 2, 7, 9 and 10, accordingly claims 2, 7, 9 and 10 contain allowable subject matter and would be allowable if re-written to include all of the limitations of the base claim and intervening claims and if any 35 U.S.C. 112 rejection(s) were overcome.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and After Final communications.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf  
May 19, 2005



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